

## UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF UTAH

United States of America

v.

Claud R. Koerber

## EXHIBIT AND WITNESS LIST

Case Number: 2:17cr37 FB

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
SEP 20 2018  
BY D. MARK JONES, CLERK  
DEPUTY CLERK

PRESIDING JUDGE Frederic Block					PLAINTIFF'S ATTORNEY Murray, Clark, Hackford-Peer	DEFENDANT'S ATTORNEY Nester, Hunt, Oberg, Stengel
TRIAL DATE (S) 9/4/2018- 10/1/2018					COURT REPORTER Young, Janke, Hicken, Walker, Robinson	COURTROOM DEPUTY Melissa Saddler
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
*		9/5/2018			WITNESS: LORI CHAPMAN	
*		"			WITNESS: MICHAEL ISOM	
34		"	X	X	Seminar Flyers for 1/2005 seminar in St. George	
47c		"	X	X	Promissory Note by Franklin Squires to MIWE- 12/30/04	
47a		"	X	X	Promissory Note by Founders Capital to MIWE-1/5/05	
47b		"	X	X	Promissory Note by Franklin Squires to MIWE-4/5/05	
47		"	X	X	Email from Koerber to Isom- 12/30/04	
145		"	X	X	Email from Isom to Forrest Allen- 5/9/05	
2		"	X	X	Chase Bank Statement- 11/2005	
2a		"	X	X	Wire Transfer \$850,000-11/4/05	
3		"	X	X	Chase Bank Statement- 7/2006	
3a		"	X	X	Wire Transfer \$500,000- 7/6/05	
4		"	X	X	Zions Bank Statement-5/31/07	
5		"	X	X	Chase Bank Statement- 11/1/05	
5a		"	X	X	Wire Transfer \$147,500-11/8/05	
7		"	X	X	Wire Transfer-6/6/06 \$415,400	
7a		"	X	X	Wire Transfer-6/6/06 \$415,400	
8		"	X	X	Chase Bank Statement showing \$415,400 wire transfer 7/6/06	
11		"	X	X	Founders Capital Investment statement	
11a		"	X	X	Wire Transfer Entry for \$125,000 wire-5/22/07	
180g		"	X	X	Email from Koerber to Isom- 6/18/07	
38		"	X	X	Audio Recording of 9/13/07 St. George Meeting	
39		"	X	X	Audio Recording of 9/20/09 Isom-Koerber Meeting	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

COURT EXHIBIT

4

AO 187A (Rev. 7/87)

**EXHIBIT AND WITNESS LIST – CONTINUATION**

United States of America vs. Claud R. Koerber					CASE NO. 2:17cr37
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
25		“	X	X	Audio Recording of February 2008 Meeting
25c		“	X	X	Isom Pie Chart Drawing
*		9/6/18			<b>WITNESS: MICHAEL ISOM (CONTINUED)</b>
25b		“	X	X	Isom Notes of 2/12/08 meeting
	552A	“	X	X	Audio clip: Kindred-Isom, December 2008
	552C	“	X	X	Audio clip: Kindred-Isom, December 2008
	552E	“	X	X	Audio clip: Kindred-Isom, December 2008
	409	“	X	X	Confidential Private Offering Memorandum-10/30/06
	526	“	X	X	Email from Isom to Koerber-12/11/07
	540	“	X	X	Draft Letter from Isom Attorney to Michael Hines- 12/11/07
	598	“	X	X	FC Recission Offer Letter and Election
	516	“	X	X	Recission Offer Document
	915	“	X	X	Exhibit A PPM- Members List
	915e	“	X	X	Isom signed receipt of PPM- 11/21/07
	915b	“	X	X	Exhibit A PPM- Summary of Ownership
	915c	“	X	X	Exhibit A PPM- Principal Interest Holders PPM
	979	“	X	X	Election to Rescind or Waive- Isom
	980	“	X	X	Audio clip: Isom
	981	“	X	X	Audio clip: pie chart meeting
	982	“	X	X	Audio clip: pie chart meeting
*		9/6/18			<b>WITNESS: FORREST ALLEN</b>
19		“	X	X	Founders Capital QuickBooks 2004-2007
19a		“	X	X	Founders Capital QuickBooks printouts
20		“	X	X	Franklin Squires Investments QuickBooks 2004-2007
20a		“	X	X	Franklin Squires Investments QuickBooks printouts
22		“	X	X	Founders Capital Investments Quick Books 2005-2007
22a		“	X	X	Founders Capital Investments Quick Books printouts

23		9/6/18	X	X	Hill Erickson QuickBooks 2005-2007
23a		"	X	X	Hill Erickson QuickBooks printouts
24		"	X	X	New Castle QuickBooks 2005-2007
24a		"	X	X	New Castle QuickBooks printouts
161		"	X	X	American Founders Academy LLC QuickBooks
161a		"	X	X	American Founders Academy LLC QuickBooks printouts
162		"	X	X	American Founders University QuickBooks
162a		"	X	X	American Founders University QuickBooks printouts
163		"	X	X	CRK Central Management LLC QuickBooks
163a		"	X	X	CRK Central Management LLC QuickBooks printouts
164		"	X	X	FranklinChocolates LLC QuickBooks
164a		"	X	X	FranklinChocolates LLC QuickBooks printouts
165		"	X	X	Free Capitalist QuickBooks
165a		"	X	X	Free Capitalist QuickBooks printouts
166		"	X	X	FranklinSquires Companies QuickBooks
166a		"	X	X	FranklinSquires Companies QuickBooks printouts
167		"	X	X	Global Central Management LLC QuickBooks
167a		"	X	X	Global Central Management LLC QuickBooks printouts
168		"	X	X	Lucent Real Estate Services LLC QuickBooks
168a		"	X	X	Lucent Real Estate Services LLC QuickBooks printouts
169		"	X	X	McGuire Group LLC QuickBooks
169a		"	X	X	McGuire Group LLC QuickBooks printouts
170		"	X	X	Rick Koerber LLC QuickBooks
170a		"	X	X	Rick Koerber LLC QuickBooks printouts
171		"	X	X	Rudder Holding Company QuickBooks
171a		"	X	X	Rudder Holding Company QuickBooks printouts
157a		"	X	X	July 2005 – Excel printouts from F.A. disc
157b		"	X	X	August 2005 – Excel printouts from F.A. disc
157c		"	X	X	September 2005 – Excel printouts from F.A. disc
157d		"	X	X	October 2005 – Excel printouts from F.A. disc
157e		"	X	X	November 2005 – Excel printouts from F.A. disc

157f		9/6/18	X	X	December 2005 – Excel printouts from F.A. disc
157g		“	X	X	January 2006 – Excel printouts from F.A. disc
157h		“	X	X	February 2006 – Excel printouts from F.A. disc
157i		“	X	X	March 2006 – Excel printouts from F.A. disc
157j		“	X	X	April 2006 – Excel printouts from F.A. disc
157k		“	X	X	May 2006 – Excel printouts from F.A. disc
157l		“	X	X	June 2006 – Excel printouts from F.A. disc
157m		“	X	X	July 2006 – Excel printouts from F.A. disc
157n		“	X	X	March 2007 – Excel printouts from F.A. disc
157o		“	X	X	April 2007 – Excel printouts from F.A. disc
157p		“	X	X	May 2007 – Excel printouts from F.A. disc
157q		“	X	X	June 2007 – Excel printouts from F.A. disc
157r		“	X	X	July 2007 – Excel printouts from F.A. disc
157s		“	X	X	August 2007 – Excel printouts from F.A. disc
157t		“	X	X	October 2007 – Excel printouts from F.A. disc
157u		“	X	X	November 2007 – Excel Printouts from F.A. disc
158		“	X	X	Printout from F.A. disc - Ricks Report
159		“	X	X	Printout from F.A. disc – bal dated 8/23/2006
57		“	X	X	Email string between Koerber and Alisha Johnson 1/29/07
57a		“	X	X	Email string between Koerber and Alisha Johnson 1/22/07
57b		“	X	X	Email string between Koerber and Alisha Johnson 12/15/06
57c		“	X	X	Email string between Koerber and Alisha Johnson 12/20/06
57d		“	X	X	Email string between Koerber and Alisha Johnson 11/8/06
57e		“	X	X	Email between Rachelle Taylor and Koerber 12/19/06
57f		“	X	X	Email between Rachelle Taylor and Koerber 12/18/06
57g		“	X	X	Email between Rachelle Taylor and Koerber 11/21/06
57h		“	X	X	Email between Rachelle Taylor and Koerber 2/26/07
57i		“	X	X	Email between Rachelle Taylor and Koerber 1/15/07
57j		“	X	X	Email between Rachelle Taylor and Koerber 1/12/07
57k		“	X	X	Email between Rachelle Taylor and Koerber 8/25/06
57l		“	X	X	Email between Rachelle Taylor and Koerber 3/12/07

57m		9/6/18	X	X	Email between Rachelle Taylor and Koerber 1/22/07
131		"	X	X	Founders Capital bank account records (Chase Bank X1815)
174a		"	X	X	Check to Founders Capital
174b		"	X	X	Check to Founders Capital
174c		"	X	X	Check to Founders Capital
174d		"	X	X	Check to Founders Capital
126		"	X	X	Franklin Squires Companies LLC bank account records (Zions Bank 2317)
127		"	X	X	Chase Bank – Certification re: signature cards (8/07, 6/07)
128		"	X	X	Rick Koerber LLC bank account records (Zions Bank X0343)
129		"	X	X	Founders Capital Investments bank account records (Chase Bank X0235)
130		"	X	X	FranklinSquires Investments – Marketing bank account records (Chase Bank X1807)
131		"	X	X	Founders Capital bank account records (Chase Bank X1815)
132		"	X	X	Hill Erickson bank account records (Chase Bank X1823)
133		"	X	X	FranklinSquires Investments bank account records (Chase Bank X2029)
134		"	X	X	Founders Capital Investments bank account records (Zions Bank X2333)
135		"	X	X	Founders Capital bank account records (Chase Bank X3297)
136		"	X	X	Rick Koerber LLC bank account records (Key Bank X4769)
137		"	X	X	New Castle Holdings bank account records (Chase Bank X8082)
138		"	X	X	Founders Capital bank account records (Chase Bank X8587)
139		"	X	X	New Castle Holdings bank account records (Chase Bank X8694)
140		"	X	X	FranklinSquires Investments bank account records (Chase Bank X8744)
141		"	X	X	Franklin Squires Investments bank account records (Chase Bank X9118)
57n		"	X	X	Email string between Rachelle Taylor and Koerber 6/15/07 Subject: Bank account balances
21		"	X	X	Founders Capital Promissory Notes List
55		"	X	X	Email from Clyne Long to Forrest Allen dated 4/27/06
109		"	X	X	Silver coin minted by Koerber
6d		"	X	X	Franklin Squires Investments account credit transfer 1/13/06 of \$450,000
6c		"	X	X	Franklin Squires Investments account debit transfer 1/13/06 of \$450,000
6b		"	X	X	Wire transfer 1/13/06 of \$428,350
6a		"	X	X	Wire transfer 1/13/06 of \$428,350
6		"	X	X	Chase Bank Statement showing \$428,350 wire transfer on 1/13/06

32		9/6/18	X	X	Creative Real Estate Lifestyles Magazine, Spring 2007
10		"	X	X	Chase Bank Statement showing wire to symbolic of Nev. on 9/13/06 for \$296,793.25
10c		"	X	X	Lamborghini of Las Vegas wire receipt for \$296,793.25 on 9/13/06
10b		"	X	X	Wire transfer 9/13/06 for \$296,793.25
10a		"	X	X	Bank One net wire 9/13/06 for \$296,793.25
15		"	X	X	Chase Bank Statement showing debit of \$218,896.27 on check 1360 and \$213,459.67 on check 1361
15a		"	X	X	Check 1360 payable to Steve Harris Imports for \$218,896.27 dated 6/2/06
15b		"	X	X	Contract for sale of Ferrari dated 6/2/06
16		"	X	X	Check 1361 payable to Steve Harris Imports for \$213,459.67
37		"	X	X	Franklin Squires Reimbursement Form 9/26/05 for JTH Publishing for \$55,779.92
37a		"	X	X	Franklin Squires Reimbursement Request Form 12/19/05 for JTH Publishing for \$60,604.95
37b		"	X	X	Franklin Squires Reimbursement Request Form 3/15/06 for JTH Publishing for \$70,069.95
37c		"	X	X	Franklin Squires Reimbursement Request Form 9/15/06 for JTH Publishing for \$70,384.95
37d		"	X	X	Franklin Squires Reimbursement Request Form 3/29/07 for JTH Publishing for \$53,020.95
26a		9/6/18	X	X	Letter to All Students from Rick Koerber dated 2/24/06
58		"	X	X	Franklin Squires Payment Request Form 3/3/2005
58a		"	X	X	Franklin Squires Payment Request Form 5/17/05
58b		"	X	X	Franklin Squires Payment Request Form 12/7/05
58c		"	X	X	Franklin Squires Payment Request Form 1/5/06
58d		"	X	X	Franklin Squires Payment Request Form 1/18/06
58e		"	X	X	Franklin Squires Payment Request Form 1/26/06
58f		"	X	X	Franklin Squires Payment Request Form 3/1/06
58g		"	X	X	Franklin Squires Payment Request Form 3/25/06
58h		"	X	X	Franklin Squires Payment Request Form 5/1/06 (\$135,759.68)
58i		"	X	X	Franklin Squires Payment Request Form 5/1/06 (\$116,765.61)
58j		"	X	X	Franklin Squires Payment Request Form 7/7/06 (\$100,512.68)
58k		"	X	X	Franklin Squires Payment Request Form 7/7/06 (\$110,506.75)
58l		"	X	X	Franklin Squires Payment Request Form 8/1/06 (\$108,677.03) (not funded)?
58m		"	X	X	Franklin Squires Payment Request Form 12/12/06
58n		"	X	X	Franklin Squires Payment Request Form 12/13/06
58o		"	X	X	Franklin Squires Payment Request Form 1/15/07

59		9/6/18	X	X	Change of Principal and/or Interest – Kimber Academy
152a		“	X	X	Promissory Note – American Founders University, LLC
152b		“	X	X	Promissory Note – Investors Collaborative, LLC
152c		“	X	X	Promissory Note – JTH Publishing, LLC
152d		“	X	X	Promissory Note – Kimber Academy, LLC
152e		“	X	X	Promissory Note – Main Street Movie Group, LLC
80		“	X	X	Rudder Holding Co. & Anchor Holding Commitment Agreement with Iceberg Opportunities
65		“	X	X	Global Central Management letter to Global Central Investor/Vendor dated 8/10/05
66		“	X	X	Letter to Forrest Allen from Koerber dated 8/23/05 re: Global Central Pay off
67		“	X	X	Global Central Payoff List
173d		“	X	X	Email from F. Allen to rick@franklinsquires.com dated 06-27-2007
173e		“	X	X	Email from F. Allen to rick@franklinsquires.com dated 07-03-2007
182		“	X		Demonstrative Exhibit prepared by Government (Quickbooks- List of companies)
*		9/6/18			<b>WITNESS: CRAIG CARROL</b>
89a		“	X	X	Session 4 Flyer (with handwritten sticky note)
89		“	X	X	Session 4 Flyer (color)
89c		“	X	X	Check 105 from Carroll Investments, LLC, payable to Founders Capital for \$70,000.00 dated 12/20/05
90		“	X	X	Email chain – C. Carroll to Koerber and reply – 8/30/06 and 8/31/06
177a		“	X	X	Email from C. Koerber to craig.carroll@chrysalisutah.com dated 06-18-2007
	983	“	X	X	Promissory Note- Craig Carrol
*		9/7/18			<b>WITNESS: JEREL CLARK</b>
9		“	X	X	Chase Bank statement showing wire of \$89,423.23 to Atlas Capital 9/6/06
13		“	X	X	Wire Transfer entry for \$109,226.45 to Atlas Capital 5/22/07
179i		“	X	X	Email from Koerber to J. Clark- 6/18/07
	984	“	X		Demonstrative Exhibit prepared by Defendant (Diagram of Equity Mill)
*		“			<b>WITNESS: MATSON MAGLEBY</b>
95		“	X	X	Change of Principal – Matson Magleby 7/5/07
12a		“	X	X	Wire transfer for \$126,536.47
180a		“	X	X	Email from C. Koerber to matsonm@innovatormortgage.com dated 06-18-2007
	530a	“	X	X	Matson Magleby Note with Founders Capital- 1/3/05
*		“			<b>WITNESS: DON HANSEN</b>

102		9/7/18	X	X	Documents from adoption file (p.5, 52-58, 68-70)
102a		"	X	X	Documents from adoption file (p.10, 25-26, 61-65, 96)
*		"			<b>WITNESS: TERESA TUTTLE RINGGER</b>
*		"			<b>WITNESS: JEFF GOODSSELL</b>
73		"	X	X	Invoice to Koerber/Franklin Squires for \$30,000 for portrait
74		"	X	X	Franklin Squires Reimbursement Request Form 4/5/06 for \$22,137.50
	442	"	X	X	Jason Vaughn Promissory Note with Jeff Goodsell
*		"	X	X	<b>WITNESS: AUSTIN WESTMORELAND</b>
	985	"	X	X	Promissory Note- Hunters Capital dated 1/12/07
*		9/10/18			<b>WITNESS: DEAN HAMILTON</b>
106		"	X	X	REPC – 11/06 for Heber Cabin
107		"	X	X	Settlement Statement 11/30/06
106b		"	X	X	Deed in lieu of foreclosure
106a		"	X	X	Wasatch Co. Corp. Tax Roll Master Record / Parcel Abstract
181		"	X	X	Residential Real Estate Agreement between Dean Hamilton and Hill Erickson, LLC dated 10-17-2007
*		"			<b>WITNESS: GARTH ALLRED</b>
	423	"	X	X	Email, dated 11/8/2007, from Allred to Koerber
*		"	X	X	<b>WITNESS: FRANK BREITENSTEIN</b>
1		"	X	X	Internet Seminar Advertisement
	510	"	X	X	Residential Real Estate Agreement- 1906 Greenhurst Rd.
	511	"	X	X	Residential Real Estate Agreement- 222 Third Ave North
*		"	X	X	<b>WITNESS: DALE CLARKE</b>
35		"	X	X	Real Estate Equity Mill Flyer
36		"	X	X	Real Estate Equity Mill Flyer (different format)
93		"	X	X	Email Koerber to D. Clarke 6/18/07
	508	"	X	X	Residential Real Estate Purchase Contract- 709 Sherry Lane
	903	"	X	X	Dale Clarke Warranty Deed
	507	"	X	X	Residential Real Estate Agreement- 709 Sherry Lane
*		"			<b>WITNESS: STEVE OSBORNE</b>
26		"	X	X	Creative Real Estate Lifestyles Magazine, Fall 2005
32a		"	X	X	Steve Osborne's Draft of Article

175c		"	X	X	Audio Clip- Koerber interview by S. Osborne 2/1/07
175a		9/10/18	X	X	Audio Clip- Koerber interview by S. Osborne 2/1/07
*		"			<b>WITNESS: JEFF NEILSEN</b>
172a		"	X	X	Rick Koerber prior testimony (p. 3224 line 10 through p. 3225 line 1)
172b		"	X	X	Rick Koerber prior testimony (p. 3309 line 5 through p. 3312 line 11; p. 3313 lines 5-19)
172c		"	X	X	Rick Koerber prior testimony (p. 3480 line 11 through p. 3481 line 3)
172d		"	X	X	Rick Koerber prior testimony (p. 3482 line 1 through p. 3483 line 3)
172e		"	X	X	Rick Koerber prior testimony (p. 3979 lines 2-10)
172f		"	X	X	Rick Koerber prior testimony (p. 4230 lines 4-20)
172g		"	X	X	Rick Koerber prior testimony (p. 4325 lines 16-22)
172h		"	X	X	Rick Koerber prior testimony (p. 4255 lines 8-10, 14-21, 24-25; p. 4256 lines 1-18)
17	S	9/11/18	X	X	IRS transcript of account for Koerber for 2005
17a	S	"	X	X	IRS Certification of Lack of Record for 2004, 2005 and 2006
18	S	"	X	X	IRS transcript of account for Koerber for 2006
18a	S	"	X	X	Certified IRS account transcript for Koerber for tax period 2003
18b	S	"	X	X	Certified IRS account transcript for Koerber for tax period 2004
18c	S	"	X	X	Certified IRS account transcript for Koerber for tax period 2005
18d	S	"	X	X	Certified IRS account transcript for Koerber for tax period 2006
100	S	"	X	X	Dental Bill and Records for Koerber
101	S	"	X	X	Insurance Documents – Union Central Insurance
125	S	"	X	X	BEX engraving invoice
160	S	"	X	X	FranklinSquires Co. Press Release re: American TimberCraft 06-14-2007
*		"			<b>WITNESS: CLARK WILKINSON</b>
105		"	X	X	Wilkinson, Cooley & Co. compilation dated 8/24/07
	428c	"	X	X	Email dated 9/5/07 from Candy Caballero to Koerber
	427	"	X	X	Email dated 8/22/07 from Candy Caballero to Skousen
*		"			<b>WITNESS: PETER HANSEN</b>
40		"	X	X	Section of media disc prin. 4
41		"	X	X	Section of media disc prin. 9
42		"	X	X	Section of media disc prin. 10
43b		"	X	X	Revised video clip of media disc prin. 11

44		"	X	X	Section of media disc prin. 13
45		9/11/18	X	X	Section of summary of 13 prin. disc
75		"	X	X	Video clip from VIP Media disc – 21 Day Sale pt.2
	571	"	X	X	Pete Hansen Declaration, dated 10/1/07
	996	"	X	X	Letter from Pete Hansen- September 2007
183	S	"	X	X	Joint Stipulations
184	S	"	X	X	Second Set of Joint Stipulations
185	S	"	X	X	Third Set of Joint Stipulations
186	S	"	X	X	Fourth Set of Joint Stipulations
*		"			<b>WITNESS: STEVEN ROBERTS</b>
143		"	X	X	IRS Summary Exhibits
*		"			<b>WITNESS: ANGELA MENNITT</b>
142		"	X	X	Summary Exhibits
*		9/12/18			<b>WITNESS: ANGELA MENNITT (CONTINUED)</b>
	588	"	X	X	Franklin Squires Companies Leadership, draft dated 2/28/08
*		"			<b>WITNESS: CAMERON SAXEY</b>
146		"	X	X	Audio clips and accompanying transcripts from 02-13-2009 Interview of Claud Rick Koerber
119		"	X	X	Rick Koerber interview recording 2/26/09
	*	"			<b>WITNESS: DAVID MOORE</b>
	*	9/13/18			<b>WITNESS: SONNY JENSEN</b>
179h		"	X	X	Email from C. Koerber to Sonny Jensen dated 6/18/07
	*	"			<b>WITNESS: MARY COLOVICH</b>
	988	"	X	X	Promissory Note- Colovich
	580	"	X	X	Email from Brad Colovich to Koerber dated 10/28/07
177h		"	X	X	Email from C. Koerber to <a href="mailto:bcolovich@msn.com">bcolovich@msn.com</a> dated 6/18/07
	*	"			<b>WITNESS: ALISHA WOOLSEY</b>
	*	"			<b>WITNESS: CLAVELL ANDERSON</b>
	523	"	X	X	Photos of Franklin Squires Building
	524A	"	X	X	Photos of American Founders University Building and Event
	524F	"	X	X	Photograph of American Founders University Building & Event- Ron Paul
61		"	X	X	Franklin Squires Companies Group Handout- 3/14/05

[illegible]